

1 COOK & KELESIS, LTD.
2 GEORGE P. KELESIS, ESQ.
3 Nevada Bar No. 0069
4 517 S. Ninth Street
5 Las Vegas, Nevada 89101
6 Phone: (702) 737-7702
7 Fax: (702) 737-7712
8 Email: law@bckltd.com
9 *Attorneys for Defendant Michael A. Sandoval*

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

10 UNITED STATES OF AMERICA,
11
12 Plaintiff,
13
14 vs.
15 MICHAEL A. SANDOVAL,
16
17 Defendant.

Case No.: 2:19-cr-234-GMN-VCF

**DEFENDANT'S UNOPPOSED
MOTION TO EXTEND
DATE FOR SURRENDER
(3rd Request for Extension)**

16 MICHAEL SANDOVAL ("Mr. Sandoval"), by and through his counsel, George P. Kelesis
17 of Cook & Kelesis, Ltd. hereby respectfully submits this Motion to Extend the self-surrender date
18 to the Bureau of Prisons ("BOP") for an additional 60 days. This motion is requested in light of the
19 ongoing COVID pandemic as more particularly set forth below.

20 On January 30, 2020, Michael Sandoval was sentenced to serve 40 months in prison after
21 pleading guilty to tax crimes. He was ordered to self-surrender on May 1, 2020. On April 15, 2020,
22 this Court entered an order continuing the self-surrender date to July 1, 2020 (ECF 18). However,
23 in mid-June, Nevada's case numbers began to spike. Accordingly, pursuant to stipulation of the
24 parties, this Court once again extended Mr. Sandoval's reporting date to August 18, 2020 (ECF 20).

25 At the time of this motion – one week before the Defendant's current self-surrender date –
26 the public health emergency due to the spread of COVID-19 continues. In recent weeks, the caseload
27 in the southwestern United States, including Clark County, Nevada, has been of particular concern.
28 Nevada is still operating at Phase 2 of its reopening procedures, and Clark County has a cumulative

positivity rate of 11.8%¹ – well above the 5% rate recommended by the Centers for Disease Control for normalization of economic and social activity.

The severity of disease for those infected with SARS-CoV-2 varies widely – ranging from asymptomatic to death. The CDC has, however, identified those co-morbid risk factors which may increase the severity of the disease in an individual.² These include individuals with hypertension and a history of smoking, both of which apply to Mr. Sandoval. Moreover, although the currently estimated rate of death is slightly less than 1%, there is concern that even those individuals who were asymptomatic or had mild cases of COVID-19 may be left with long-term complications.³

Finally, the Bureau of Prisons has taken actions to prevent the spread within its population, suspending all social and most legal visits, prohibiting contractor access for all non-essential services, and requiring personnel to undergo special screening, presumably in recognition of the high risk of accelerated transmission of COVID-19 within jails and prisons. The federal prison system is also requiring new prisoners to spend the first three weeks of their sentence in complete isolation. All of these steps have not been successful in curbing spread of the disease within the prison system. In fact, on August 5, 2020, Colorado state health official reported that two inmates transferred to the Florence facility where Mr. Sandoval is to surrender arrived at the facility with active COVID-19 infections.⁴

Because of the high-rate of per-capita infection in Clark County and his co-morbid health risks, Mr. Sandoval has been self-quarantining at home since March, leaving only for work⁵ and drug testing, both of which are mandated by the terms of his release program. He is not, and never was,

¹ See <https://nvhealthresponse.nv.gov/>

² See, <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/evidence-table.html>

³ See, <https://newsnetwork.mayoclinic.org/discussion/long-term-symptoms-complications-of-covid-19/>

⁴ See, <https://gazette.com/news/coronavirus-reported-among-inmates-at-federal-prison-campus-in-florence>.

⁵ Mr. Sandoval's job functions are primarily telephone and computer based; it is not front facing with the general public.

1 a flight risk or a danger to the community. Requiring him to leave his home, travel to Florence,
2 Colorado, and self-surrender at a time when he will need to spend three weeks in isolation,
3 constitutes an unnecessary risk to him, the staff with whom he must interact and, in fact, the
4 population already incarcerated.

5 In light of these circumstances and measures, Mr. Sandoval respectfully requests an extension
6 to his self-surrender date of at least 60 days. The government does not oppose this request.

7 DATED this 10th day of August, 2020.

8 COOK & KELESIS, LTD.

9
10 By /s/ George P. Kelesis
11 GEORGE P. KELESIS
12 Nevada Bar No. 0069
13 517 S. Ninth Street
14 Las Vegas, Nevada 89101
15 *Attorneys for Defendant*
16
17
18
19
20
21
22
23
24
25
26
27
28

1 COOK & KELESIS, LTD.
2 GEORGE P. KELESIS, ESQ.
3 Nevada Bar No. 0069
4 517 S. Ninth Street
5 Las Vegas, Nevada 89101
6 Phone: (702) 737-7702
7 Fax: (702) 737-7712
8 Email: law@bckltd.com
9 *Attorneys for Defendant Michael A. Sandoval*

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,
Plaintiff,
vs.
MICHAEL A. SANDOVAL,
Defendant.

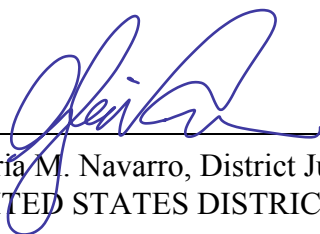
Case No.: 2:19-cr-234-GMN-VCF

**ORDER EXTENDING SELF-
SURRENDER DATE**

The Court having reviewed and considered Defendant's Motion to Extend Date for Self-Surrender, there being no objection thereto, and good cause appearing therefore:

IT IS HEREBY ORDERED that the date set for Defendant, Michael Sandoval, to self-surrender to the Board of Prisons is extended. The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 2 p.m. on October 9, 2020.

DATED this 10 day of August, 2020.



Gloria M. Navarro, District Judge
UNITED STATES DISTRICT COURT